

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA**

POLICY FOR GUIDELINE SENTENCING

Misc. No. _____

STANDING ORDER #94-6

Pursuant to the Sentencing Reform Act of 1984 and in accordance with amended Rule 32 (effective December 1, 1994) of the Rules of Criminal Procedure, the following is adopted as the policy in this district for guideline sentencing.

It is anticipated that the Presentence Report will be disclosed about forty (40) days after the verdict of guilty, or the entry of a plea of guilty or nolo contendere, and that sentence will be imposed within eighty-five (85) to one hundred (100) days after the verdict of guilty, or the entry of a plea of guilty or nolo contendere. It is the desire of the Court to have prompt sentencing following the verdict of guilty, or the entry of a plea of guilty or nolo contendere, and these time periods are set to allow compliance with the Act.

After a verdict of guilty, or the entry of a plea of guilty or nolo contendere, the sentencing procedure will be as follows:

(a) Within seven working days, the Attorney for the Government shall provide to the Probation Office a Statement of Relevant Facts, and any other pertinent documents.

(b) After consultation with the Probation Officer, the Court, after a verdict of guilty or acceptance of a plea of guilty or nolo contendere, may set a date by which the Probation Officer shall disclose the Presentence Report to the defendant, the defendant's counsel, and the Attorney for the Government.

(c) If requested by Defense Counsel, the Probation Officer shall provide Defense Counsel with notice and a reasonable opportunity to attend any interview of the defendant by a Probation Officer in the course of a presentence investigation.

(d) Not less than thirty-five (35) days before the Sentencing Hearing, unless the defendant waives the minimum period, the Probation Officer shall furnish the Presentence Report to the defendant, the defendant's counsel, and the Attorney for the Government. The Probation Officer shall not disclose any recommendation as to the sentence unless so ordered by the Court. The Presentence Report shall be deemed to have been disclosed: (1) when a copy of the Report is physically delivered; (2) one day after the Report's availability for inspection is orally communicated; or (3) three days after a copy of the Report or notice of its availability is mailed.

(e) Within fourteen (14) days after receiving the Presentence Report, the parties shall communicate in writing to the Probation Officer, and to each other, any objections to any material information, sentencing classifications, sentencing guideline ranges, and policy statements contained in or omitted from the Presentence Report. After receiving objections, the Probation Officer may meet with the defendant, the defendant's counsel, and the Attorney for the Government to discuss those objections. The Probation Officer may also conduct any further investigation and revise the Presentence Report as appropriate.

(f) Not later than seven days before the Sentencing Hearing, the Probation Officer shall submit the Presentence Report to the Court, together with an Addendum setting forth any unresolved objections, the grounds for those objections and the Probation Officer's comments on the objections. At the same time, the Probation Officer shall furnish the revisions of the Presentence Report and the Addendum to the defendant, the defendant's counsel, and the Attorney for the Government.

(g) Except for any unresolved objection under Rule 32 Subdivision (b)(6)(B), the Court may, at the hearing, accept the Presentence Report as its findings of fact. For good cause shown, the Court may allow a new objection to be raised at any time before imposing sentence.

(h) The time limits set forth in this Rule may be modified by the Court for good cause.

/s/

Sylvia H. Rambo, Chief Judge

/s/

William J. Nealon, U.S.D.J.

/s/

Edwin M. Kosik, U.S.D.J.

/s/

Malcolm Muir, U.S.D.J.

/s/

James F. McClure, U.S.D.J.

/s/

Richard P. Conaboy, U.S.D.J.

/s/

Thomas I. Vanaskie, U.S.D.J.

/s/

William W. Caldwell, U.S.D.J.

Effective Date: December 15, 1994